

February 6, 2004

The Honorable Craig Thomas  
U.S. Senator  
109 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Thomas:

A new version of Abandoned Mine Land Fund re-authorization has been introduced in Congress, with the support of the Office of Surface Mining (AML) and President Bush.

First, I write to express our frustration in not being a part of crafting this new version of the re-authorization. It came as a complete surprise to us that a new version of the re-authorization was proposed.

I am sure you share my frustration and disappointments on the merits as well. Contrary to this most recent version, I believe that earlier efforts were thoughtful, comprehensive and enabled the goals of the program while meeting the concerns of the numerous stakeholders involved. It is unfortunate that this new proposal by the administration does not match up to the needs of Wyoming.

We have spent considerable time tracking legislative efforts and have placed ourselves at the disposal of your staff for any assistance that we could provide. Additionally, we have been in contact with Pennsylvania, West Virginia, and Kentucky in an effort to fashion concepts that would work to resolve historic coal production issues in their states while simultaneously ensuring that our interests were preserved. Throughout, we have been optimistic a compromise could be found that would be satisfactory to all stakeholders. Indeed, we were encouraged to work towards building a consensus by the OSM. I'm sure you can then understand why we were then so frustrated when, in the end, the OSM chose to partner only with Pennsylvania – with a result that is very detrimental to Wyoming.

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Wyoming has its own reclamation work remaining, and many deserving projects to address the legacy of past mining. To be paid what we are now due now over the next 10 years, with no interest, is simply unreasonable. To then make this reimbursement subject to annual appropriations of Congress further undermines any sense of security we might otherwise have that the promises to the people of Wyoming will be kept. To expect the industry in our state to pay a significant amount of money going forward, with no return to Wyoming is a colonial view of our state that I'm sure you oppose.

So, I again respectfully request that your offices, the WDEQ and the office of the Governor work closely to ensure that a proper response to the Administrations proposal is presented, and presented in a timely manner. I believe that we have a creative approach that fits nicely with the work already done by your offices, and feel that we need to begin to work out an alternative as soon as possible.

I will be following up with your staff, and stand ready to meet with you at your earliest convenience.

Best regards,

John Masterson  
Legal Counsel to the Governor

JM:jlmm